his client providing that the case should not be settled or compromised without his consent, and that if the settlement should be made contrary to this agreement, he should be entitled to damages of $1,000. The client settled and dismissed for nothing. In a suit for the $1,000 damages, *held*, that the contract was void and unenforceable. *Hall* v. *Orloff*, (Cal. App., 1920), 194 Pac. 296.

Such a clause in contracts between attorney and client for a contingent fee has frequently been held void. *North Chicago Ry. Co.* v. *Ackley*, (1898), 171 Ill. 100. *Re Snyder*, (1907), 190 N. Y. 66. Other cases may be found in 14 L. R. A. (N. S.) 1101. However other courts have held that such a provision is a proper stipulation as a measure of protection to the attorney's interest. *Re Fernbacker*, (1886), 18 Abb. N. C. 1 (N. Y.). The rule in *Lipscomb* v. *Adams*, (1906), 193 Mo. 530, that such a clause might or might not contravene public policy depending upon the good faith of the conduct and dealings of the parties under it, is an anomaly. In construing contracts with provisions of this nature it is generally held that the provision as to settlement is an integral part of an entire agreement and if it is void the whole contract falls. *Davis* v. *Webber*, (1899), 66 Ark. 190. This is the view adopted in the case in question, and is probably the better view, as the attorney can still recover in general assumpsit for the reasonable value of his services, as pointed out in the principal case. The decision as a whole is in accordance with the modern idea of encouraging conciliation, for such a stipulation tends to prevent this and stands in the way of amicable adjustment of controversies. The distinction sought to be drawn between the principal case and the prior California case of *Hoffman* v. *Vallejo*, (1873), 45 Cal. 564, does not seem to be wholly satisfactory, and there might be some question whether the Appellate Court, being bound by this prior decision of the Supreme Court, should not have decided the case the other way.

CONSTITUTIONAL LAW—DEFINING OF TREASON IN FEDERAL CONSTITUTION DOES NOT LIMIT POWER OF STATE TO DEAL WITH "CRIMINAL SYNDICALISM."—Defendant was convicted for violation of a state statute making the advocacy of crime as a means of changing the social order, or the organizing of or belonging to, an organization advocating crime for such purpose, a felony; and appealed on the ground that the statute was unconstitutional because it amounted to an attempt to punish constructive treason. *Held*, the defining of treason in the Federal Constitution does not limit the power of the state to pass such a statute. *State* v. *Hennessy*, (Wash., 1921), 195 Pac. 211.

Counsel for the defendant in the principal case would seem to have grasped at a last straw. Their argument on the point covers a wide range, and the clauses in the Federal Constitution forbidding the abridgement of free speech, and the abridgement of privileges and immunities of citizens of the United States are brought into it, for some reason, in addition to the provision defining treason. Undoubtedly the state statute is broader than the constitutional provision that treason against the United States shall consist only in levying war against them or aiding their enemies, for an overt act is required and there is no constructive treason. *In re Charge to Grand Jury*,

5 Blatch. 549. "Levying war," however, includes forcible opposition, as the result of a combination, to the execution of any public law of the United States. *U. S.* v. *Mitchell, 2* Dall. (U. S.) 348; *U. S.* v. *Vigol, 2* Dall. (U. S.) 346. The opposition must include: (1) A combination or conspiracy, by which different individuals are united for one purpose; (2) a common purpose to prevent the execution of a public law of the United States; (3) the actual use of force to prevent the execution of the law. *In re Charge to Grand Jury, 2* Curt. 630. The last would be unnecessary under the Washington statutes. Clearly, however, the treason clause was not intended to limit the power of the states to protect their institutions from dangerous and destructive attacks of any nature, merely because they have not ripened into treason. *Ex parte Bollman,* 8 U. S. 75. It would seem to be absurd to contend for the privileges and immunities of citizens of the United States to organize for the purpose of advocating crime and violence as a means of effecting or resisting political change. The only possible constitutional objection is that freedom of speech is abridged by the statute. The Washington Constitution protects freedom of speech but excepts the abuse of the right. Violations of similar statutes have been held to be such abuses as to be without the constitutional protection. *State* v. *Fox,* 71 Wash. 185, affirmed 236 U. S. 273; *State* v. *Moilen,* 140 Minn. 112. Certainly the federal guaranty does not extend to incitement to crime and violence. 19 MICH. L. REV. 487; FREUND, POLICE POWER, p. 510. It is absurd to suppose that any sovereignty will allow its safety and welfare to be undermined by literal interpretations of constitutional guaranties.

CONSTITUTIONAL LAW—STATE CEMENT PLANT.—The Governor of South Dakota addressed an inquiry to the judges of the Supreme Court as to the validity of an issue of bonds under an act of the legislature providing for the establishment of a state cement plant. The constitution of the state declares that the manufacture, distribution and sale of cement are works of public necessity and importance, in which the state may engage. *Held,* that taxation for such purpose is constitutional. *In re Opinion of the Judges,* (So. D., 1920), 180 N. W. 957.

That a tax should be in aid of a public purpose is inherent in the power of taxation, and the courts can declare a tax invalid, if it is not for a public purpose, without the aid of a constitutional provision. GRAY, TAXATION, 123-129. It is common, however, for state constitutions to include a prohibition against taxing for other than a public purpose. The United States Supreme Court is not justified in holding an act in violation of the state constitution in the face of clear decisions of the state supreme court to the contrary; see *Fallbrook Irrigation District* v. *Bradley,* 164 U. S. 112, 155. "The due process of law clause contains no specific limitations upon the right of taxation in the states, but it has come to be settled that the authority of the states to tax does not include the right to impose taxes for merely private purposes." *Green* v. *Frazier,* 253 U. S. 233, 40 Sup. Ct. 499, 501. See JUDSON ON TAXATION, § § 340, 343. On the authority of *Green* v. *Frazier,* the judges in the principal case were of the opinion that the Supreme Court would consider this valid